

**TOWN OF DAVIE
REGULAR MEETING
APRIL 7, 2004
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Councilmembers Crowley, Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Vice-Mayor Paul was absent.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules of the open public meeting.

Philip Busey, 837 SW 120 Way, spoke of Home Town Democracy and asked residents to visit www.hometowndemocracy.com, a website which informed the public about participating in land-use decisions in their municipalities.

Martin Kiar introduced Lisa Strong who had been stricken with a serious illness. He spoke of Councilmember Hubert's various efforts to help Mrs. Strong and her family. Ms. Strong thanked Councilmember Hubert and the Town for providing assistance to her and her family.

Teresa Aguilar, 917 SW 120 Way, spoke about her disappointment with Councilmember Starkey on various issues. She also voiced her displeasure with Mayor Truex.

Shari Shine, 1312 SW 120 Way, congratulated the Town for bringing the Gold Coast Softball League back to Davie.

Neil Brody, 8320 SW 22 Place, expressed his thanks for the Gold Coast Softball League.

Ruth Dreyer, 11555 SW 21 Court, indicated that she had arranged for Mrs. Strong's family to continue dance lessons for her daughter.

Jim Parsons, 1431 SW 16 Place, thanked Council for having the infrastructure in place to play in an elite softball league.

Marie Kaplan, 5721 SW 54 Court, spoke about Councilmember Starkey's verbal attacks on Karen Stenzel-Nowicki at the previous Council meeting.

Dean Alexander, 13820 SW 16 Street, asked about the possibility of having the Town send polite notices to residents who were observed operating vehicles in an unsafe manner.

Julianne Vacca, 1171 SW 109 Lane, thanked the Town for the Gold Coast Softball League.

June Connors, 1701 SW 127th Avenue, thanked Town Engineer Larry Peters and Police Chief John George for their efforts in controlling speeding trucks in her area.

Katherine Tibbets thanked the landscape division for its efforts. She asked that Council stop the operator of the dump.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, thanked Council for the installation of the speed bumps on SW 58th Avenue. She indicated that the type of speed bumps created was resulting in additional problems as residents tried to drive around the bumps. Ms. Stenzel-Nowicki asked Council to install one long speed bump. She offered her support and assistance to the elderly residents in her community.

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Mr. Kiar gave a brief update on the hearing regarding the Lamar Electronics dump site problem.

Mayor Truex advised that staff requested item 5.24 to be tabled to April 21, 2004.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

Mayor Truex advised that staff requested item 7.7 to be tabled to May 5, 2004.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

Mayor Truex advised that staff requested item 7.8 to be tabled to September 1, 2004 and questioned the request.

Development Services Director Mark Kutney indicated that the developer wished to prepare a site plan and schedule a meeting with residents. He stated that the homeowners had indicated they were amenable to speaking with IKEA.

Ronald Book, representing the homeowners' groups, spoke on behalf of homeowners who were concerned about IKEA.

Councilmember Starkey asked that staff compile a list of residents present who were interested in being notified about this issue as it developed.

Councilmember Crowley stated that he wished to see the motion withdrawn.

Councilmember Hubert made a motion, seconded by Mayor Truex, to table to September 1, 2004. In a voice vote, all voted in favor with Councilmember Crowley dissenting and Vice-Mayor Paul being absent. (Motion carried 3-1)

Mayor Truex recessed the meeting at 7:44 p.m. and the meeting was reconvened at 7:55 p.m.

Mayor Truex advised that item 5.29 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to add. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

4. PRESENTATION

4.1. National Community Development Week (April 12-18, 2004)

Director of Housing and Community Development Shirley Taylor-Prakelt gave a presentation regarding National Community Development Week. She announced the Town's grand opening of the Rick and Rita Case Boys and Girls Club on April 14, 2004. Ms. Taylor-Prakelt presented Armando Fauna, director of the South Florida region of US HUD, with a proclamation declaring April 12-18, 2004, National Community Development Week.

Mayor Truex thanked the federal government, on behalf of Town residents, for the money provided to assist residents. He thanked Ms. Taylor-Prakelt for her hard work and dedication on behalf of the Town's residents.

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5. APPROVAL OF CONSENT AGENDA

Minutes

- 5.1. January 5, 2004 - Workshop Meeting (tabled from March 17, 2004)
- 5.2. January 21, 2004 - Regular Meeting (tabled from March 17, 2004)
- 5.3. January 29, 2004 - Workshop Meeting
- 5.4. February 4, 2004 - Regular Meeting

Proclamations

- 5.5. The Day of Remembrance, Yom Hashoah (April 18, 2004)
- 5.6. High School Voter Registration Drive Week (April 19-23, 2004)

Home Occupational Licenses

- 5.7. Davie West Landscaping Center, Inc., 2601 SW 110 Way
- 5.8. Duct Dudes, Inc., 13675 SW 24 Street
- 5.9. Hilliar and Company, 13150 SW 16 Court
- 5.10. K. Carter Development, Inc., 12021 SW 32 Street
- 5.11. Premises Cabling Systems, Inc., 14690 SW 18 Court
- 5.12. TE's Home Remodeling and Repair, Inc., 14100 SW 22 Place

Resolutions

- R-2004-61 5.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BIDS FOR HORTICULTURAL CHEMICALS.
- R-2004-62 5.14. **GRANT SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA SUPPORTING THE TOWN OF SOUTHWEST RANCHES SUBMISSION OF A GRANT APPLICATION FOR THE PURCHASE OF A VACANT 11.79 ACRE PARCEL (CALUSA CORNERS PLAT) FROM BROWARD COUNTY'S LAND PRESERVATION PROGRAM OPEN SPACE GRANTS #V1 AND IF NECESSARY TO THE STATE OF FLORIDA'S COMMUNITIES TRUST; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2004-63 5.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN. (\$8,843 reimbursement)
- R-2004-64 5.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOOD SERVICES, TO PROVIDE THE SUMMER FOOD MEALS UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR THE TOWN OF DAVIE. (\$8,843)

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- 5.17. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-65 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CPZ ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES FOR THE PUBLIC WORKS/FIRE ADMINISTRATION BUILDING. (\$141,500)
- 5.18. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-66 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ILER PLANNING GROUP FOR MISCELLANEOUS PLANNING SERVICES.
- 5.19. **CONTRACT AMENDMENT NO. 1** - A RESOLUTION OF THE TOWN OF
R-2004-67 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN AND CITYSCAPE CONSULTANTS, INC. FOR THE REVIEW OF WIRELESS COMMUNICATIONS FACILITIES' APPLICATIONS.
- 5.20. **AUDITING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, SELECTING THE FIRM OF RACHLIN COHEN & HOLTZ TO PROVIDE AUDITING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 5.21. **CRA LOAN SUBSIDY** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-68 FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY ASSISTANCE TO DAVIE PROFESSIONAL BUILDING, INC. (4175 Davie Road) (\$13,200)
- 5.22. **AMENDMENT TO RECORD** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-69 FLORIDA AUTHORIZING THE AMENDMENT OF THE RECORD TO REFLECT THE INTENT OF COUNCILMEMBER HUBERT'S VOTE ON LAND USE PLAN AMENDMENT APPLICATION LA 03-07 HEARD BY THE TOWN COUNCIL ON MARCH 17, 2004; AND PROVIDING FOR AN EFFECTIVE DATE.
- 5.23. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-70 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "SOUTH 84 PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 2-3-04, CarMax, 7420 State Road 84)
- 5.24. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, DELETING A TEN-FOOT LANDSCAPE EASEMENT FROM THE RIVERSTONE PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-04, Riverstone, 4200 Shotgun Road)

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- 5.25. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR AN EFFECTIVE DATE. (non-budgeted; \$14,400)

Temporary Uses

- 5.26. TU 3-1-04, Young at Art, Inc., 11584 West State Road 84 (annual birthday party)
5.27. TU 3-2-04, Parkway Christian Church, 1200 South Flamingo Road (outdoor Sunrise Easter Service)
5.28. TU 3-5-04, Andrx Pharmaceuticals, 4201 Kean Road (construction trailers)

Proclamation

- 5.29. National Day of Prayer (May 6, 2004)

Councilmember Crowley requested that items 5.22 and 5.25 be removed from the Consent Agenda. Councilmember Starkey requested that items 5.5., 5.15 and 5.16 be removed. Mayor Truex requested that items 5.1 and 5.19 be removed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 5.1, 5.5, 5.15, 5.16, 5.19, 5.22, and 5.25. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.1 Mayor Truex wanted to ensure that Council had received the amended minutes.

Mayor Truex passed the gavel and made a motion to approve. Councilmember Starkey seconded the motion. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

5.5 Councilmember Starkey felt other individuals who suffered during the holocaust should be remembered. Mayor Truex suggested submitting the language request change for future proclamations.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

5.15 Assistant Town Administrator explained the difference between items 5.15 and 5.16.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

5.16 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

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5.19 Anthony Lepore, the Town's consultant, spoke on the original ordinance and asked that this item be approved. Councilmember Starkey advised that the Town's lobbyist and the Florida League of Cities were working on this item as part of their legislative agenda. She was not sure the discussion would go anywhere.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

5.22 Councilmember Crowley pulled this item to allow Councilmember Hubert the opportunity to explain her intended vote. Councilmember Hubert explained that she had made a mistake due to the late hour of the previous Council meeting.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

5.25 Councilmember Crowley was opposed to funding for improvements to lighting on State roads at the Town's expense.

Mayor Truex asked staff how the funding process worked. Mr. Cohen described the funding process between the Town and the State. He advised that the Town would receive more funding than it currently spent to maintain lighting. Councilmember Crowley felt this was not a guarantee and was not in favor of this.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - no; Councilmember Starkey - no. (Item is automatically tabled due to a 2-2 vote)

7. PUBLIC HEARING

Ordinances - Second and Final Reading

7.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 2-1-04 CONSTRUCTION NOISE TO AMEND CHAPTER 15 OF THE TOWN OF DAVIE CODE OF ORDINANCES BY MODIFYING THE REGULATIONS THAT ADDRESS CONSTRUCTION NOISE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading March 17, 2004 - all voted in favor with Councilmember Hubert dissenting and Vice-Mayor Paul out of room 3-1}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Jill Cohen questioned the way in which the ordinance was written. She indicated that she would be amenable to discussing this with the developers at a workshop.

Kevin Ratteree, of GL Homes, indicated he wanted to workshop this issue, but opposed what he felt were stringent guidelines in the ordinance.

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Brandon Bederman, of the Builders Association of South Florida, indicated his willingness to workshop this issue.

Mayor Truex closed the public hearing.

Mr. Leiva spoke of the Code changes reflected in the ordinance.

Councilmember Hubert, Mayor Truex and Councilmember Starkey expressed their willingness to workshop this issue. Councilmember Starkey was in favor of looking at other municipalities and communities' efforts on noise control. Mr. Willi recommended tabling this item.

Councilmember Crowley asked Mr. Leiva how the Town would monitor noise. Mr. Leiva stated there could be potential problems with enforcing noise monitoring and agreed it needed further discussion.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to table to May 19, 2004. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

7.2. **CAPITAL IMPROVEMENT PROGRAM AMENDMENT - AN ORDINANCE**
2004-10 **OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL**
IMPROVEMENT PROGRAM FOR THE TOWN OF DAVIE FOR THE FISCAL
YEAR 2004-2008. (\$110,000) {Approved on First Reading - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mr. Willi explained that the ordinance was necessary to fund the construction of an additional wall at the Public Works compound.

Mayor Truex asked about the lake at the back of the property. Mr. Willi advised of the current conditions. Public Works/Capital Projects Director Bruce Bernard explained the conditions and spoke about the different phases for constructing the wall and installing landscaping.

Councilmember Crowley asked about aeration methods. Mr. Bernard explained how aeration could be done if the lake stagnated. Councilmember Crowley asked about the schedule for taking down the remaining trees and installing the wall. Mr. Bernard indicated that work on the trees and wall would take about one month, subject to Council's approval.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held April 21, 2004)

7.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
FLORIDA, AMENDING ORDINANCE NO. 2002-9; AMENDING SECTION 2-
73(e) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "DAVIE
COMMUNITY RELATIONS ADVISORY BOARD"; REMOVING THE
REQUIREMENT THAT THE TOWN COUNCIL APPOINT A
COUNCILMEMBER TO THE DAVIE COMMUNITY RELATIONS ADVISORY

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BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on April 21, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

7.4. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12.32 ENTITLED "TABLE OF PERMITTED USES" TO REVIEW MORTUARY USES AS A PERMITTED USE IN THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on April 21, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert questioned whether this ordinance removed mortuary uses from residential areas. Mr. Kutney explained changes to the ordinance.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

7.5. REVISIONS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2004.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on April 21, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Assistant Budget and Finance Director Carol Menke explained the purpose of the revenue and expense accounts established with regard to charitable donations. Mayor Truex asked why a breakdown was necessary. Ms. Menke explained that this ensured proper appropriation of funds.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

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Ordinance - First Reading (Second and Final Reading to be held at a later date)

- 7.6. **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA(TXT) 03-08A, AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from March 17, 2004) *Local Planning Agency recommended approval subject to the following uses being deleted from Employment Center-Low: fabrication and assembly; hotels, motels, and similar lodging; and community facilities* **{requires supermajority vote}**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on April 21, 2004.

Mr. Kutney explained the text amendment, indicating that the Town's land use plan reflected Broward County's former land use codes, with the addition of the new designation of "employment center high". He stated there was no employment center officially on the map at the current time.

Mayor Truex opened the public hearing portion of the meeting.

Karen Stenzel-Nowicki voiced her concern about language in the ordinance, stating that residential areas were "inherently compatible" with different activities identified with the employment center category. She read a portion of an e-mail sent to Council by Paul Humann which reflected his disapproval of the land use category amendment.

Mayor Truex closed the public hearing.

Councilmember Hubert asked why the ordinance was needed if Council knew this category would never be implemented. Mr. Kutney explained the County's reasoning for the designation. Councilmember Starkey explained how this designation could be properly utilized in various scenarios. She stated that it would provide a benefit in redevelopment areas but not in residential areas.

Mayor Truex was in favor of amending language from "inherently compatible" to "may be compatible" with residential areas. He also agreed with the Local Planning Agency's exclusions of activities that were incompatible with residential areas. Councilmember Crowley asked how the suggested amendments would have affected the project if they had been in place earlier. Mr. Kutney felt that IDI would have come in at the employment center high category.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to the corrections recommended by Mayor Truex, the Local Planning Agency, and Ms. Stenzel-Nowicki. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

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Item to be tabled

7.7. PETITIONER REQUESTING A TABLING TO APRIL 21, 2004

SE 8-1-03, Lethbridge/Sunny Lake, 5400 Griffin Road (RO) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

7.8. PETITIONER REQUESTING A TABLING TO SEPTEMBER 1, 2004

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 03-12A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCE/OFFICE" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Local Planning Agency recommended denial based on that the proposal does not meet the criteria set forth in the Code 12-304, specifically items 4 and 10 of the planning report – it is not appropriate as it abuts a residential area, and it would not be an appropriate change nor the best use*

This item was tabled earlier in the meeting.

8. APPOINTMENTS

8.1. Airport Advisory Board (one exclusive appointment - Councilmember Hubert; term expires December 2004)

Councilmember Hubert appointed David Oakes.

8.2. Agricultural Advisory Board (one exclusive appointment per Councilmember; terms expire April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Mayor Truex appointed Julie Aiken. Councilmember Crowley appointed Jason Hurley. Councilmember Hubert appointed Ms. Daniels.

8.3. Budget Advisory Committee Board (one exclusive appointment per Councilmember; terms expire April 2006) (members shall have experience in a financial related occupation, or similar skills)

Mayor Truex appointed Scott Spages. Councilmember Starkey appointed Bob Preziosi. Councilmember Hubert appointed Dan Barr.

8.4. Child Safety Board (two exclusive appointments per Councilmember; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

8.5. Community Relations Advisory Boards (two exclusive appointments per Councilmember; terms expire April 2006)

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Mayor Truex appointed Sandra Amaya. Councilmember Starkey appointed Kitty Preziosi and Denis Shaw. Councilmember Crowley appointed Sharon Zane. Councilmember Hubert appointed Norman Blanco.

- 8.6. School Advisory Board (two exclusive appointments per Councilmember; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

Councilmember Starkey appointed Alice Harrington and Kim Sarita. Councilmember Crowley appointed Barbara Tilley. Councilmember Hubert appointed Martin Kiar and Barry Mowell.

- 8.7. Davie Water and Environmental Advisory Board (two exclusive appointments per Councilmember; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

Councilmember Starkey appointed Gary Gaffney. Councilmember Starkey appointed Tom Green. Mayor Truex appointed Barry Mowell. Councilmember Hubert appointed Ronald Phillips and Don Zane.

- 8.8. Joint Economic Development Steering Committee (non-exclusive appointments of two Councilmembers; terms expire April 2006)

No appointments were made.

- 8.9. Open Space Advisory Committee Agency (two exclusive appointments per Councilmember; terms expire April 2006)

Councilmember Hubert appointed Christina Pellicane and Joshua Feingold. Councilmember Crowley appointed Frances Steier and Joyce Steward. Councilmember Starkey appointed Linda Greck.

- 8.10. Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Hubert appointed Jim Futch and John Parker.

- 8.11. Senior Citizen Advisory Committee (two exclusive appointments per Councilmember; terms expire April 2006) (members shall be a minimum 60 years of age)

Mayor Truex appointed Dean Alexander. Councilmember Starkey appointed Margaret Draudt and Alice McDonald. Councilmember Hubert appointed Gloria Imbruglia.

- 8.12. Unsafe Structures Board (three non-exclusive appointments; terms expire April 2007) (permanent resident or have their principal place of business within the Town's jurisdiction; one appointment shall be a citizen, one appointment shall be an attorney and one appointment shall be a real estate appraiser)

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No appointments were made.

- 8.13. Community Redevelopment Agency (one exclusive appointment - Councilmembers Crowley and Hubert; two non-exclusive appointments; term expires April 2008) (members shall either reside or engage in business within the jurisdiction of the Town)

Councilmember Hubert appointed Terry Santini. Councilmember Crowley appointed Cindy Lou Gaines.

After discussion, Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table the two non-exclusive appointments to April 21, 2004, so the Town could advertise for applicants to the Agency. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

- 8.14. Metropolitan Planning Organization - Community Involvement Roundtable
No appointment was made.

9. OLD BUSINESS

10. NEW BUSINESS

- 10.1. Master Plan Concept (Vice-Mayor Paul)

Mr. Kutney gave a brief presentation on his version of the Master Plan concept. He advised of staff's recommendation to write any goals into the comprehensive plan, based on EAR amendments. Council directed Mr. Willi to place this item on the April 21, 2004 agenda.

- 10.2. Consultant for Opposition to Airport Expansion

Brenda Chalifour informed Council of the services she could offer the Town with regard to opposition of airport expansion.

Councilmember Starkey felt that any possible contract with Ms. Chalifour could be molded to address the Town's comfort level. Mayor Truex felt this issue was too important to not utilize the services of Ms. Chalifour.

Mr. Willi felt there was a long window of time before the expansion was approved or denied. He stated that the airlines might not be willing to pay the additional landing fees, which would leave no monies to pursue expansion and mitigate its impacts. Mr. Willi asked Council to be cautious in considering another contract that would result in more costs to the Town. Councilmember Starkey voiced her support for utilizing the services of Ms. Chalifour. Mayor Truex felt the \$4,000 a month fee would be money well spent. Councilmember Hubert objected to the fee and was concerned as the amount was not budgeted for. Councilmember Crowley indicated he had concerns also but wanted Council to instruct staff to prepare a resolution on this issue. Mayor Truex asked Mr. Willi to advise him if any problems occurred in the process.

11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT.

EASTER FOOD DRIVE. Councilmember Hubert spoke of her upcoming Easter food drive and invited anyone who wished to attend.

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CPR TRAINING. Councilmember Hubert thanked Fire Chief Don DiPetrillo for his assistance in organizing CPR training at the Police Athletic League.

COUNCILMEMBER CROWLEY.

MOTION TO EXCUSE VICE-MAYOR PAUL. Councilmember Crowley made a motion, seconded by Councilmember Starkey, to excuse Vice-Mayor Paul. In a voice vote, all voted in favor. (Motion carried 4-0)

WATER EVENTS. Councilmember Crowley spoke highly of Water Matters Day and Water Clean Up Day.

UPDATE. Councilmember Crowley asked about the status of a home north of Boggs Estates that was permitted without the requirement for a sidewalk. Town Engineer Larry Peters indicated that the resident had not yet given the Town the right-of-way.

COUNCILMEMBER STARKEY.

MATH IGLER GROVES. Councilmember Starkey asked about the status of Math Iglar Grove with regard to buildings, trees and clean up of the site. She indicated that a resident asked that the Town clean up the overgrowth or allow him onto the site to clean up the overgrowth. Parks and Recreation Director Dennis Andresky indicated that Chris Eakes from Broward County had inspected and found the site to be of significant value. Councilmember Starkey requested that a member of staff visit the site and look at older plats to examine the structures, in order to identify areas of historical significance on the site. She asked staff to accept the consultant who offered to inspect the site from a historical perspective.

OAK TREES. Councilmember Starkey spoke about the oak trees that were removed at the intersection of Orange Drive and Nob Hill Road, which left holes in the ground. Mr. Bernard advised that the Florida Department of Transportation (FDOT) removed the trees to create a U-turn at that intersection, as Nob Hill Road was County property. Councilmember Starkey voiced her concerns about this action and asked staff to ask the County to advise the Town of such actions. Mr. Willi indicated that the County did not have to approach the Town regarding any work on their own properties. Councilmember Starkey wanted to meet with FDOT further on this issue. Mayor Truex recommended working on language for a resolution to this effect.

SUNNY LAKES. Councilmember Starkey distributed a resolution seeking to apply for a grant to acquire the Sunny Lake property. She spoke in favor of hiring Richard Rubin to write the grant application for the Town, as he had experience with other such open space parcels. Mr. Rubin indicated his willingness to write the grant application by the May 4, 2004 deadline, with no fee, but requested a 3% commission upon successful award of the grant. He distributed documents including a sample design for the property, his qualifications as a grant writer, and an outline of his scope of services to the Town.

Councilmember Hubert asked how much the property would cost. Mr. Rubin recommended waiting for an appraisal and indicated the Florida Communities Trust would only pay the appraised value of the property. He advised Council to ask the property owner to sell at the appraised value figure.

Councilmember Crowley spoke about the required removal of exotic trees, if the state provided funds to purchase the property. Mr. Rubin advised there was no mandate about rushing the development of the park.

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Councilmember Hubert asked where the 47 flexible housing units would go. She felt the land use right for flexible housing should be moved elsewhere if the Town took away that right from the site. Councilmember Crowley did not like giving up the commercial parcel but indicated his willingness to move forward and try to attain the grant.

Councilmember Hubert asked how much of the grant the Town could receive. Mr. Rubin indicated 75% of the property price was the maximum award. Councilmember Hubert asked where the Town would get the rest of the funds. Mr. Rubin recommended that Council contact the County's Land Preservation Board requesting priority assistance for any available funds. He also recommended the Florida Recreation Development Assistance program and other programs in Tallahassee which provided funds to purchase land.

Mayor Truex asked if the Town would go ahead with purchasing the property if it did not receive the grant. Mr. Rubin stated there was no mandate for the Town to go ahead with the project even if approved for the grant.

Mr. Willi opined that there were several factors related to cost and location involved and decisions needed to be made by Council. He asked Council to carefully consider the decision to pay commercial value for a piece of property to be used as a community facility and stated that the lake would not be permitted for fill without a valid contract in place. Mr. Willi recommended that Section 4 of the resolution reflect the correct title of the Florida Communities Trust Grant and that a limit be placed on expenditures. Councilmember Starkey spoke highly of the Town's acquisition of open space and felt this parcel presented a rare opportunity for the Town.

Mr. Rubin requested two chances to apply for the grant. Mr. Willi asked if the Town would be able to lock in the property price in the time gap between two applications. He recommended that Council make an additional motion that if the resolution moved forward, that Mr. Kiar be directed to enter into a contingency contract. He indicated this would also keep the contracts independent of each other.

R-2004-72 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING
ASSISTANCE TO PREPARE A FLORIDA COMMUNITY AFFAIRS GRANT TO
ACQUIRE THE PARCELS KNOWN AS SUNNY LAKE TO PRESERVE AS AN
OPEN SPACE PASSIVE PARK.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to correcting language to State Florida Communities Trust Grant, placing a cap on expenditures of \$5,000, correcting the instances of the word 'whereas', making format changes, and adding boilerplate language required by the Town's Charter. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - absent; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 3-1)

Mr. Willi recommended that Council direct Mr. Kiar to begin negotiations to form a contingency contract for this parcel.

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MAYOR TRUEX.

MEETINGS. Mayor Truex requested that staff contact him to set up another meeting to discuss computer policy. He also asked about the workshop meeting request for the Economic Development Committee. Mr. Willi advised of the request for the meeting.

ANNEXATION. Mayor Truex asked about Broadview Park and the Pine Island Ridge annexation. Mr. Willi advised that he had drafted an action plan with regard to Pine Island Ridge annexation. He requested to add this to the agenda for the next meeting.

CODE AMENDMENT. Mayor Truex asked about the Code amendment with regard to the tabling procedure. He felt the Code required a certain period of time indicating how far ahead an item could be tabled. Councilmember Starkey agreed and felt the tabling material should also include the reason for the tabling and original reference documents. Mr. Kutney recommended that the applicant had to be present to request a tabling. Mayor Truex suggested that the applicant had to submit the request in writing 24 hours in advance. Councilmember Crowley agreed with a 24-hour advance time frame.

LENGTH OF COUNCIL MEETINGS. Mayor Truex apologized for the length of the previous meeting and indicated that he had prepared a draft of guidelines for meetings. He explained the reasoning behind the timeframe limitations for speakers.

12. TOWN ADMINISTRATOR'S COMMENTS

EVALUATION. Mr. Willi indicated that his evaluation needed to be placed on a future agenda.

13. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Kiar updated Council on litigation issues.

ROAD ASSESSMENTS. Mr. Kiar spoke of the Town's efforts to collect unpaid road assessments. He advised that he had received an offer of \$4,000 which he would forward to Mr. Willi. Mr. Kiar asked for an opportunity to discuss this offer further with Mr. Willi before bringing it back before Council.

Councilmember Starkey presented the Town with a commendation plaque awarded to the Town at the Broward Days in Tallahassee.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:47 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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